

# APPENDIX A

## Resource Advisory Council Recommendations

### 1999

In August 1999, the Secretary of the Interior's office asked the Central Montana Resource Advisory Council (RAC) to develop and recommend broad guidelines, or a framework, to manage BLM land in the Missouri Breaks area (DOI News Release of July 23, 1999, and RAC 1999a).

The RAC met monthly from August through December 1999 to discuss broad guidelines for the Missouri Breaks area. During the October and November meetings, the RAC hosted public meetings in Lewistown and Havre to provide opportunities for public comment about the concept of special management for these lands (RAC 1999b, 1999c). In December 1999, the RAC forwarded a 16-page recommendation package to the Secretary of the Interior's office (RAC 1999d). This package outlined the RAC's interpretation of the public comments it had gathered and offered recommendations for a number of resource programs, should the BLM land be designated for special management. The RAC recommendations are summarized below along with an explanation of how those recommendations were addressed in the RMP/EIS.

**Recommendation: The BLM will remain the managing agency.**

The Proclamation specified that "The Secretary of the Interior shall manage the monument through the Bureau of Land Management..."

**Recommendation: The RAC has reached consensus and proposes management prescriptions for an Expanded UMNWSR corridor to include six WSAs, one ACEC and miscellaneous lands involved in blocking up this area. This expands the existing corridor by about 25%...**

The Proclamation stated "...for the purpose of protecting the objects identified...all lands and interests in lands owned or controlled by the United States within the boundaries of the area described on the map entitled Upper Missouri River Breaks National Monument..." are set apart and reserved as the Monument (Appendix B - Map). This includes about 375,000 acres of public land administered by the Bureau of Land Management, including six wilderness study areas and the Cow Creek Area of Critical Environmental Concern.

**Recommendation: Hunting and fishing shall be recognized as historic and traditional uses in the Expanded UMNWSR. These legitimate recreational**

**activities (in compliance with state and federal law) shall be included in current and future management plans.**

Nothing in the Proclamation "shall be deemed to enlarge or diminish the jurisdiction of the State of Montana with respect to fish and wildlife management." As discussed in the Draft RMP/EIS and Proposed RMP/Final EIS, the Montana Fish, Wildlife & Parks (MFWP) is responsible for fish and wildlife population management and the BLM will maintain and/or enhance the recreational quality of BLM land and resources to ensure enjoyable recreational experiences.

**Recommendation: The Central Montana RAC requests the Secretary of the Interior to contact the Montana Congressional Delegation to ask for their assistance in seeking the appropriation of funds for the purchase of conservation easements from willing sellers on private lands along the Missouri River in Montana.**

As discussed in the Preferred Alternative in the Proposed RMP/Final EIS the BLM would not pursue the acquisition of private land or easements for public access unless approached by a landowner or their representative. Easements or fee acquisition opportunities would be considered if they enhance the values of the Monument and provide legal public access to or within the Monument, or additional public access to meet management objectives, including dispersed recreation use. This could include short-term (1-5 year) campsite easements or leases from willing private landowners for alternative or additional campsites to provide dispersed camping opportunities and benefits.

**Recommendation: Livestock grazing will continue at current levels within the confines of Standards and Guidelines.**

Under the Proclamation, the "[l]aws, regulations, and policies followed by the Bureau of Land Management in issuing and administering grazing permits or leases on all lands under its jurisdiction shall continue to apply with regard to the lands in the monument."

The Proclamation did not mandate a need for an adjustment of forage allocated to livestock. Current availability and allocation for livestock grazing will continue in the Monument. A total of 116 allotments with about 38,000 animal unit months (AUMs) of forage are available for livestock grazing on an annual basis

(Appendix N). Livestock grazing will continue to be managed through the Lewistown District (Lewistown and Malta Field Offices) Standards for Rangeland Health and Guidelines for Livestock Grazing Management (BLM 1997). Standards for Rangeland Health apply to all public land administered by the BLM. Grazing applications will continue to be processed consistent with the BLM's regulations (43 CFR 4100).

**Recommendation: The riparian areas (land directly influenced by permanent water) along the Upper Missouri National Wild and Scenic River will progress towards proper functioning condition as the result of proper management livestock, hydrology, erosion, deposition, vegetation, wildlife, people and adequate funding.**

The BLM's goal is to achieve, or make significant progress toward, proper functioning condition in riparian and wetland areas and to sustain a diverse age-class and composition of riparian-wetland vegetation for maintenance and recovery of riparian-wetland areas.

As discussed in the Proposed RMP/Final EIS the BLM will maintain and/or improve the riparian-wetland areas based on proper functioning condition (PFC) and the desired plant community (Appendix J). The presence and condition of riparian vegetation provide an important role in maintaining riparian function. Riparian-wetland plant species, such as sedges, rushes, and cottonwood/willow on sites capable of supporting woody species, will be managed for age-class and composition diversity and high vigor.

**Recommendation: The BLM will seek funding to assist rural emergency services and for additional maintenance of existing county roads within the Expanded UMNWSR for those counties and rural communities which are impacted by the influx of visitors due to the Lewis and Clark Bicentennial.**

The Fergus, Chouteau, Blaine and Phillips County Sheriff's Departments conduct emergency services in the Monument. The BLM assists as requested with available resources. Emergency services are guided by BLM policy and administrative action.

As discussed in the Proposed RMP/Final EIS the BLM would implement an expanded amenity fee for overnight camping in Level 1 sites and an individual special recreation permit for boating the Missouri River. After the RMP is completed the BLM would develop a business plan to determine the actual fee amounts charged for new sites. Development of the business plan would involve the Central Montana RAC and include an opportunity for public involvement. Fees associated with the special area permit to boat the Missouri River would be returned to the Lewistown Field Office and used to cover management costs associated with toilet

pumping, trash collection, site maintenance and the seasonal workforce. In addition, fees could be used to support county emergency services and to purchase short-term campsite easements or leases from willing private landowners.

**Recommendation: Ban commercial recreational overflights over the Upper Missouri National Wild and Scenic River Corridor.**

The Monument is located beneath the Hays Military Operations Area (MOA). The Hays MOA overlies a large portion of northcentral Montana at altitudes ranging from 300 feet above ground level, up to 18,000 feet above mean sea level. The Federal Aviation Administration has the responsibility to plan, manage, and control the structure and use of all airspace over the United States, including the Hays MOA. This recommendation is beyond the scope of the RMP since the BLM has no jurisdiction or authority for this MOA.

**Recommendation: Personal watercraft (such as jet skis) shall be prohibited from the entire 149-mile stretch of the UMNWSR from the bridge at Fort Benton to the bridge at Kipp Recreation Area the entire year.**

This recommendation was addressed under Alternative E in the Draft RMP/EIS and Proposed RMP/Final EIS where personal watercraft would not be allowed on the entire stretch of the Upper Missouri National Wild and Scenic River.

Under the Preferred Alternative in the Proposed RMP/Final EIS, personal watercraft would only be allowed on the first three miles of the river (River Mile 0 to 3) near Fort Benton.

**Recommendation: None of the management objectives recommended by this advisory council apply to that portion of the Upper Missouri National Wild and Scenic River located within the city limits of Fort Benton.**

The boundary for the Upper Missouri National Wild and Scenic River and Upper Missouri River Breaks National Monument is bank to bank for the river in Fort Benton. The BLM has no jurisdiction over private land, and these lands are not part of the Monument.

**Recommendation: Motorized watercraft on the wild and scenic portions of the UMNWSR will be restricted as follows:**

**(1) All motorized use will be "no-wake" from the Saturday before Memorial Day to the Sunday after Labor Day. (Current Management Policy)**

**(2) Watercraft used for river and land management purposes or for emergencies are exempt from “no-wake” restrictions but must be operated in a safe manner.**

**(3) BLM will develop, post at launch points and enforce rules on the proper way for motorized craft to approach and pass other motorized and non-motorized craft.**

This recommendation is addressed under Alternative A (Current Management) in the Draft RMP/EIS and Proposed RMP/Final EIS.

Under the Preferred Alternative in the Proposed RMP/Final EIS, motorized use on the river would be allowed with seasonal limitations on upstream travel and a seasonal no-wake speed restriction in the wild and scenic segments of the UMNWSR from June 15 to September 15. In addition, the wild and scenic segment from Holmes Council Island to Fred Robinson Bridge would be restricted to non-motorized watercraft from June 15 to September 15 on Sunday through Wednesday.

Under the Preferred Alternative in the Proposed RMP/Final EIS, the administrative use of motorized watercraft would occur during the seasonal restrictions. A cooperative effort among agencies operating on the river would be initiated. A Memorandum of Understanding would be developed with the goal of achieving uniform standard operating procedures designed to minimize impacts to boaters from administrative use of motorized watercraft.

**Recommendation: RAC propose a two year moratorium on licensed river outfitters with no implied rights.**

Under the Preferred Alternative in the Proposed RMP/Final EIS there would be a limit of 23 SRPs for commercial recreational use on the Missouri River and related land in the UMNWSR. An SRP, with a fee, would be required (43 CFR 2930). The 23 permits would include boating on the Missouri River for commercial hunting, fishing, and scenic and interpretive tours. This would continue the moratorium on licensed river outfitters.

**Recommendation: The BLM will give immediate high priority in achieving the funding necessary to coordinate and cooperate with other governmental agencies, grazing districts, weed control districts, permittees, and adjacent land owners to control the existence and spread of noxious weeds. Control of weeds should be given high priority using biological, animal, manual, and where appropriate, EPA approved chemical control. Informing the public about noxious weeds and how to identify and avoid**

**their spread should also be incorporated in management of the public lands.**

The management of noxious and invasive plants will continue as prescribed in the Upper Missouri River Breaks National Monument: Guidelines for Integrated Weed Management (BLM 2001b). This weed management plan was developed to conform to the Montana Weed Management Plan (2001, 2005), and provides guidelines for the prevention, containment and eradication of invasive and noxious plants, and for the coordination of BLM, state, county and private weed management efforts. The Integrated Weed Management plan will be updated on a periodic basis as a result of monitoring data.

The BLM will coordinate with other agencies consistent with the National Invasive Species Management Plan (NISC 2001) and the State of Montana’s Aquatic Nuisance Species (ANS) Management Plan (Montana ANS Steering Committee, 2002) to control non-native species that cause or may cause significant negative impacts and do not provide an equivalent benefit to society.

The BLM will designate the Monument as a weed management area to facilitate cooperation among landowners and various federal, state, and county agencies, and to secure funding to implement integrated weed management control measures.

The BLM will identify weed prevention areas and emphasize activities to keep weed seed and regenerative plant parts from being introduced into weed free areas. Implementation of an early detection and rapid response program would ensure new infestations are identified early and aggressively managed to protect and maintain uninfested areas.

The BLM will increase public awareness of invasive plant and weed species and develop treatment and prevention strategies to control noxious weeds in and around developed and primitive recreation use areas.

The BLM will develop treatment strategies to contain and/or eradicate weed infestations throughout the Monument using integrated weed management methods.

**Recommendation: The BLM will seek adequate funding to carry on liaison with the Lewis and Clark Trail Heritage Foundation, the Nez Perce Trail Association, the River and Plains Society, the Blaine, Phillips, Hill, Judith Basin, and Fergus County Historical Societies, and other interested entities, and the Native Americans to identify and interpret the historical significance of sites and trails within the Expanded UMNWSR. Such liaisons will emphasize the importance of local communities and reservations**

**in educating the public about these sites and interpret them appropriately.**

Under the Preferred Alternative in the Proposed RMP/Final RMP the BLM would encourage and sustain collaborative partnerships, volunteers and citizen-centered public service. The BLM would partner with gateway communities to provide visitor information.

Historic, archaeological, and geological opportunities on BLM land would be enhanced by developing the interpretive potential at selected sites. Small, low-key interpretive signs that blend in with the surroundings (and not visible from the Missouri River) would be established at specific sites. These low-key sites would be for dispersed recreation opportunities. Simple markers would be provided for some cultural sites. Portable interpretation (guidebooks and brochures) may also be available.

Topics for interpretation would be selected based on setting, visitor benefits and the potential to provide the area's history or prehistory via interpretation. Some potential cultural sites for interpretation would include Decision Point; Eagle Creek; the Murray/PN dugout; Hagadone, Middleton, Ervin, Gist, Cable, and Nelson homesteads, Gilmore cabin; Nez Perce Trail; and sites associated with the Lewis and Clark Expedition. Other possible interpretive sites and topics could include prehistoric sites and the steamboat era on the Missouri River.

Some potential geological interpretive sites would include the stratigraphic cross section of the Missouri River from Virgelle to the James Kipp Recreation Area showing the regional dip of beds starting in Colorado Shale and ending in Bearpaw Shale; the glacial geomorphology and paleo channel of the Missouri River at Little Sandy Creek; the igneous dike known as the Grand Natural Wall from the Lewis and Clark Journal entry; Hole-in-the-Wall; the Big Sag at Judith Landing; the Sugarloaf Rock fault plane vs. bedding plane at Stafford Ferry; the diatreme at Gist Bottom; and the invertebrate paleo site at Woodhawk.

**Recommendation:** The Central Montana RAC requests the Secretary of Interior, the Montana State Director, the Congressional Delegation, and the Governor to cooperatively seek \$500,000 for each of the next two years to be earmarked for UMNWSR river studies and mobilization of management policies.

Decisions from an RMP would be implemented over a period of years depending on budget and staff availability. Funding levels affect the timing and implementation of management actions and project proposals, but do not affect the decisions made in an

RMP. This recommendation is addressed by BLM policy and budget systems.

**Recommendation:** The RAC requests that the Secretary and the BLM implement a policy which addresses, but is not limited to the following issues:

**1. Number and distribution of visitors:** The RAC recognizes that not only will the Lewis and Clark Bicentennial have a major impact on the number of visitors, but that there is an increasing demand by the public to use their public lands. Visitor use limits may have to be imposed to ensure that the intrinsic qualities of the area are preserved.

- What types of campsites, if any, should be established and at what locations.
- If additional sanitation facilities are needed, they should be located and constructed in the least intrusive manner possible.
- Visitor access to the Upper Missouri Breaks must have as its priority the protection of the resource first.

**2. Types and distribution of trails:** Cattle and game trails are part of the natural setting and evolve and even disappear as the natural setting evolves. Trails designed basically for human use are usually seen as much more intrusive and demand constant maintenance, especially in a badlands setting. The integrity of the resource must be given priority in the planning and construction of any trails.

**3. Public responsibility:** The Secretary and the BLM should implement a policy to inform the public that a visit to the area involves risks and demands skills. Visitors will have to assume responsibility for their actions and their own safety. The RAC feels that many of our attempts to make areas safe for visitors and tourists alters and degrades the very qualities people seek from these areas.

**4. The BLM shall conduct surveys and compile river use data in a timely and ongoing manner.** Results will be utilized cooperatively by the BLM and the RAC's subgroup to formulate river management and resource recommendations to the Central Montana RAC. When applicable, recommendations by the RAC subgroup must comply with those specific parameters directed by the RAC in its December 1999, recommendations to the Secretary of the Interior.

1. Under the Preferred Alternative in the Proposed RMP/Final EIS the BLM would not develop an allocation system for visitor use on the Missouri River. In response to changes in visitor use patterns the BLM would address management options to meet river management goals and maintain Limits of Acceptable

Change (LAC) standards, indicators and desired future conditions. The BLM would monitor conditions and develop management actions, as necessary, to reduce impacts to resource and social conditions without limiting the number of people boating the Missouri River. Management actions may include, but would not be limited to, further restrictions on group size, limits on number of nights allowed at one site, designated campsites, closure of campsites, construction of additional facilities, and development of additional dispersed campsites. Standards and Indicators establish a broad framework for managing visitor use and impacts to resources and social conditions. As monitoring confirms change in visitor use patterns and impacts, or as populations shift or other major social events occur that may dramatically change use patterns, additional refinement within those standards and indicators may become necessary.

The existing camping facilities would remain at the current campsites along the Missouri River. Additional Level 1 and 2 sites would only be considered from Fort Benton downstream to Judith Landing. To provide dispersed recreation opportunities and benefits, additional Level 1 sites would be constructed only in the recreation segments of the UMNWSR. Improvements to existing Level 1 and 2 sites could occur to improve infrastructure or address visitor use issues. Additional Level 2 sites could be constructed between Fort Benton and Judith Landing as necessary to improve resource conditions, improve distribution of visitor use or resolve visitor use conflicts. Associated facilities and construction could not detract from the visual character and integrity of the UMNWSR. No additional Level 2 sites would be constructed below Judith Landing. Additional Level 3 campsites could be added as needed to accommodate increases in use, disperse visitor use along the Missouri River, and rest or rotate the use of individual sites. Dispersed camping (Level 4 opportunities) would be allowed on all BLM land.

2. The recreation emphasis will be to develop and maintain opportunities for dispersed recreational activities such as hunting, hiking, scenic and wildlife viewing and driving for pleasure, consistent with current policies and practices and the Proclamation. The BLM will emphasize dispersed recreation opportunities including hiking and development of non-motorized hiking trails.

3. The BLM will maintain and/or enhance the recreational quality of BLM land and resources to ensure enjoyable recreational experiences. The Fort Benton River Management Station/Missouri Breaks Interpretive Center will support visitor services for the UMNWSR and provide interpretive information on the cultural and natural history of the Monument. Access points at the Chouteau County Fairgrounds Campground and Canoe Launch, Fort Benton Power Boat Ramp, Wood Bottom,

Coal Banks Landing, Judith Landing and James Kipp Recreation Area will serve as points of contact to provide health and safety information, register boaters, and collect visitor use information.

The BLM will continue, and may expand, visitor services operations to provide for public health, safety and law enforcement. Search and rescue operations and law enforcement will continue as a cooperative effort between the BLM and state and local agencies.

4. As discussed in the Recreation section of Chapter 3 in the Draft RMP/EIS and Proposed RMP/Final EIS visitor use data is collected throughout the year by means of boater registration. From May 1 through September 30 volunteer hosts and a seasonal workforce support the collection effort by registering boaters at their put-in point. During the shoulder season, data collection efforts rely on boaters self-registering prior to launch.

Information collected on boater registration forms is analyzed and compiled to provide statistics about certain visitor use patterns and characteristics. Statistics and information are compiled in the following categories: number of boaters, number of groups and related group size statistics, number of residents and non-residents, busiest and slowest launch days, seasonal visitor use distribution, percent of motorized and non-motorized craft, percent of use occurring in each of the three river segments, and percent of use by group type.

In 1999, the RAC established the Upper Missouri River RAC Subgroup to analyze the recreational activities on the UMNWSR and to make recommendations to the RAC concerning future management opportunities for the river. Over the course of 3 1/2 years, the subgroup worked with the BLM and the University of Montana to generate high quality information concerning visitor expectations, resource conditions, and the potential to align recreation use with the objectives of landowners, residents, and businesses in the area. In January and March 2002, the subgroup presented a series of recommendations concerning a variety of people-management issues on the UMNWSR, and many of the recommendations were approved by the RAC (RAC 2002a, 2002b). The subgroup translated its prior work into ideas that could be incorporated in the RMP and presented its recommendations in a May 2003 report to the RAC (RAC 2003).

**Recommendation: The RAC recommends that if a special designation is warranted, the Secretary, the Montana Congressional delegation and the Governor's office will work together to draft legislation incorporating the RAC's recommendation.**

Drafting legislation is beyond the scope of the RMP.

**Recommendation: Request BLM to prepare a five-year needs assessment and identify ways in which those needs might be met through the appropriations process and other sources.**

This recommendation is addressed by BLM policy and budget systems.

**Recommendation: The Central Montana Resource Advisory Council implores the Secretary of the Interior to use all the power and influence of his office to encourage the President, the Office of Management and Budget, and the Congress of the United States to live up to the commitments made and implied by Public Law 103-397 by permanently funding PILT at its authorized level.**

This recommendation is beyond the scope of the RMP. Public lands held by the federal government are not included in the property tax base for the counties. As a result, counties forego tax revenue that they would have received if the land were privately owned. To reimburse the counties for these monies, the U.S. Congress passed Public Law 94-565 in 1976 that allows compensation for foregone property tax revenues to each county. This compensation, Payments in Lieu of Taxes (PILT), is the payment made by the federal government every fiscal year to each county in order to offset lost property tax revenues. The amounts actually appropriated by Congress are usually less than the amounts indicated by the PILT payment formulas.

**Recommendation: OHV use be limited within the Expanded UMNWSR to designated roads and trails with the exceptions of administrative uses and land management purposes.**

The Proclamation states, “the Secretary shall prohibit all motorized and mechanized vehicle use off road, except for emergency or authorized administrative purposes.” In addition, the Secretary “shall prepare a transportation plan that addresses the actions, including road closures or travel restrictions, necessary to protect the objects.”

According to the Proclamation, these BLM lands are designated as “limited” consistent with 43 CFR 8340. A

limited area means an area restricted at certain times, in certain areas, and/or to certain vehicular use, such as no off-road travel. A single track trail system for motorized travel (ATVs, quads, motorcycles, etc.) is not authorized or permissible in the Monument. All motorized and mechanized vehicles must stay on roads.

**Recommendation: The Central Montana Resource Advisory Council advises the BLM to discourage subdivisions and commercial development along the expanded UMNWSR.**

The BLM has no jurisdiction over private land.

As discussed under the Preferred Alternative in the Draft RMP/EIS and Proposed RMP/Final EIS the BLM would encourage private sector initiatives as a means of developing river visitor use opportunities. The Monument offers a wide range of visitor opportunities, only some of which can be provided by the BLM. To overcome these limitations, non-governmental entities, either individuals or institutions, could help accomplish initiatives compatible with the Monument. These initiatives would not result in permanent facilities in the Monument.

A wide variety of activities can be generated by private sector initiatives. Services for boats or horses, overnight or extended-stay lodging facilities, food/water and other provision sales and guiding are services traditionally offered in this way. Other opportunities may be created by using the Monument for touring and instructional purposes and for expanded regional promotional activities.

**Recommendation: DNRC and BLM engage in a land exchange program within the Upper Missouri National Wild and Scenic corridor to divest the state of its interest in the corridor.**

As discussed in the Draft RMP/EIS and Proposed RMP/Final EIS the BLM will explore the feasibility of a land exchange program with the Montana Department of Natural Resources and Conservation. Such exchanges would focus on state lands that would contribute to the objects for which the Monument was designated.